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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,752	11/18/2003	Andrea Branca	CM2543CQ	5522

27752 7590 05/27/2009
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER

MAZUMDAR, SONYA

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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05/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/715,752	Applicant(s) BRANCA ET AL.	
	Examiner SONYA MAZUMDAR	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on March 3, 2009 has been entered.

Response to Arguments

2. Applicant's amendments and arguments, filed March 3, 2009 have been fully considered but, in light of amendments, are moot in view of new grounds of rejection.

Furthermore, with respect to the rejections of claim 1, Koehn teaches applying a patterned (strips/lines) adhesive (a, b) by means of nozzles (6) supported on a bar (5) (column 1, lines 25-31; column 3, lines 37-38; column 4, lines 5-8; Figures 1 and 2). Yajima et al. teach providing a pits (1) on the peripheral surface (2) of an engraved roller (3), where the shape and size of each pit and the number of the pits on the roller depending on the purpose of applying the liquid material onto the cloth surface and the liquid material and cloth material to be used ; therefore it would have been obvious to provide a roller with pits to order to produce a desired pattern (column 1, lines 56-60; Figures 1 and 2).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 through 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not teach applying adhesive in the form of “a multitude of essentially unbroken lines”; the specification and references to the drawing figures refer to the applied adhesive as beads.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 through 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By looking at Figures 1 and 1B, it is unclear as to what “multitude of essentially unbroken” lines of adhesive means.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 2 is rejected under 35 U.S.C. 102(b) as being unpatentable by Hagemeister et al. (WO 96/38113).

Hagemeister et al. teach a method of coating an adhesive onto fabric. The adhesive is extruded onto a surface of a roller, i.e. first tool (14), in the form of a multitude of lines (2) by means of a coater unit (31) that has a multitude of extruder-applicators, in the form of surface cavities, and a doctor blade (35) to assist the gravure printing process. The adhesive is then transferred to a final carrier (21) supported by two rollers, and can be applied at various temperatures between 110-140 °C. (abstract; page 15, line 5 – page 16, line 6; Figures 1 and 2).

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota (US 3,574,153) in view of Koehn (US 6,475,283) and Goodnow et al. (US 4,906,335)

Sirota teaches a process of applying hot melt adhesive compositions onto flexible web substrates. A pot, i.e. coater unit (10), dispenses adhesive (11) over a roller (12) and the adhesive application is controlled by a doctor blade (13) and applied to the substrate which is pulled over a pressure roller (15) (abstract; column 5, line 16 and lines 44-48). The adhesive is applied at temperature in the range of 250 °F-400 °F, or 121 °C-204 °C (column 5, lines 24-25).

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Sirota does not teach applying adhesive as a multitude of lines with a coater unit having a multitude of applicators. Koehn teaches applying a patterned (strips/lines) adhesive (a, b) by means of nozzles (6) supported on a bar (5) (column 1, lines 25-31; column 3, lines 37-38; column 4, lines 5-8; Figures 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform coating as Koehn taught and would have been motivated to do so the adhesive can refrain from leakage and thus, no time consuming cleaning procedure is necessary after applications.

Furthermore, Sirota does not teach positioning a doctor blade at a certain angle tangent to the surface of a roller. Goodnow et al. teach optimizing the angle of a doctor blade against a rotating surface (column 1, lines 20-34).

Although Goodnow et al. do not specify a certain angle of the doctor blade tangent to the surface of a roller, the positioning of the doctor blade is taught so material is applied evenly and no damage or overflow can potentially occur. Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to use the teaching of Goodnow et al. to position a doctor blade accurately.

11. Claims 1, 3, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lender et al. (EP 0978263) in view of Koehn (US 6,475,283) and Goodnow et al. (US 4,906,335)

Lender et al. teach a process of applying hot melt adhesive compositions onto articles. A coater unit (36) dispenses adhesive on an engraved roller (31) and the adhesive application is controlled by a doctor blade (35), applied to the article (11)

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applied at an average temperature 110°C and is pulled around a roller (14) (abstract; column 9, lines 17-18; column 10, lines 45-58; column 11, lines 7-12; Figures 1 and 3).

Lender et al. do not teach applying adhesive as a multitude of lines with a coater unit having a multitude of applicators. Koehn teaches applying a patterned (strips/lines) adhesive (a, b) by means of nozzles (6) supported on a bar (5) (column 1, lines 25-31; column 3, lines 37-38; column 4, lines 5-8; Figures 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform coating as Koehn taught and would have been motivated to do so the adhesive can refrain from leakage and thus, no time consuming cleaning procedure is necessary after applications.

Furthermore, Lender et al. does not teach positioning a doctor blade at a certain angle tangent to the surface of a roller. Goodnow et al. teach optimizing the angle of a doctor blade against a rotating surface (column 1, lines 20-34).

Although Goodnow et al. do not specify a certain angle of the doctor blade tangent to the surface of a roller, the positioning of the doctor blade is taught so material is applied evenly and no damage or overflow can potentially occur. Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to use the teaching of Goodnow et al. to position a doctor blade accurately.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota in view of Koehn and Goodnow et al., as applied to claim 3, and further in view of Lender et al. (EP 0978263) and Friesch (US 5,064,492).

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Sirota in view of Koehn and Goodnow et al. do not teach heating the coater and the engraved roller and cooling the pressure take-off roller. Lender et al. teach to keep the coater and engraving roller at a high temperature (Lender et al. - column 18; lines 25-41) and Friesch teaches the cooling of the adhesive after imprinting on the substrate (Friesch - column 3, lines 52-59).

It would have been obvious for one having ordinary skill in the art to heat the coater and engraving roller and cool the pressure take-off roller. One would have been motivated to do so because the adhesive should be at a solid or semi-solid plastic state at temperatures at or below the usage temperature of the disposable absorbent product (Lender et al. – column 4, lines 52-56).

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota in view of Koehn and Goodnow et al., as applied to claim 3, and further in view of Hefe (US 5,569,348).

Sirota in view of Koehn and Goodnow et al. do not teach the operation of a pressure take-off roller above 30 degrees Celsius. Hefe ('348) teaches cooling the carrier band coated with adhesive to room temperature, approximately 25 degrees Celsius, over a curved cooled surface. (column 7, lines 43-46)

It would have been obvious for one having ordinary skill in the art to operate the pressure take-off roller at room temperature as Hefe ('348) taught, and would have been motivated to do so because it would not require further energy or expense to maintain the roller at room temperature.

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14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota in view of Koehn and Goodnow et al., as applied to claim 1, and further in view of Hefele (US 4,141,313).

The teachings of claim 1 are as described above.

Sirota in view of Koehn and Goodnow et al. do not specifically teach applying an adhesive to articles in a certain on-dot amount. However, it would have been obvious to do so, as Hefele teaches a method of applying adhesive in a desired pattern by means of an engraved roller, with a coating weight of 27-42 g/m², so there is an appropriate amount of adhesive applied to the articles (Hefele: column 1, lines 47-55; column 8, lines 45-49).

15. Claims 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable Sirota in view of Koehn and Goodnow et al., as applied to claim 3, and further in view of Kaylor et al. (US 2003/0138570)

The teachings for claim 3 are as described above.

Sirota in view of Koehn and Goodnow et al. do not teach the use of a take-off roller with a specified shore A hardness value. Kaylor et al. teach an impression roller, with a line/block pattern thereon, supporting the substrate having a preferable Shore A hardness of 70 (paragraphs 0019 and 0051, lines 1-4; Figure 1).

It would have been obvious for one having ordinary skill in the art to use a roller having a Shore A hardness of 70 as Kaylor et al. taught, and would have been motivated to do so because Kaylor et al. teach such a roller is known and used in

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applying active material to a substrate, thus can be used by one of ordinary skill in the art.

Sirota in view of Koehn and Goodnow et al. do not teach the use of the engraved roller with specified width and depth of the cavities. Kaylor et al. teach the width of the produced pattern ranging from about 0.1 microns to about 70 microns across (paragraph 0015). The depth of the cavities in the engraved roller used in the examples was specified as 51 microns (paragraph 0075).

It would have been obvious for one having ordinary skill in the art to use a roller having the previously specified width and depth of the cavities as Kaylor et al. taught, and would have been motivated to do so because Kaylor et al. teach such specifications of the roller as known and used in applying active material to a substrate, thus can be used by one of ordinary skill in the art. "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." (MPEP § 2144.05)

Sirota in view of Koehn and Goodnow et al. do not teach rotating the article around the pressure take-off roller, which exits at a specified angle. Kaylor et al. teach the contact angle of the active material with respect to the substrate is from about 30 to 70 degrees (paragraph 0016). It can be seen from Figure 1 that the contact angle and its' complementary angle, the exit angle of the formed web, are relatively congruent to each other.

It would have been obvious for one having ordinary skill in the art to rotate the substrate around the pressure take-off roller, contact the substrate with the adhesive,

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and have the web exit at a specified angle as Kaylor et al. taught, and would have been motivated to do so because Kaylor et al. teach such a method as known and used in applying a certain amount of active material to a substrate, thus can be used by one of ordinary skill in the art. "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." (MPEP § 2144.05)

16. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota in view of Koehn, Goodnow et al., and Hefele ('348), as applied to claim 7, and further in view of Datta et al. (US 5,695,376)

The teachings of claim 7 are as described above.

Sirota in view of Koehn, Goodnow et al., and Hefele do not teach using articles with a melting temperature of the articles lower than the engraving roller. Datta et al. teach forming personal care articles where the bonding process should keep the adhesive component melted, but below the melting point of the structural component. (column 7, lines 56-60; column 10, lines 10-14)

It would have been obvious for one having ordinary skill in the art to use articles with a melting temperature lower than the engraving roller. One would have been motivated to do so since the roller will effectively soften the web and then allow the adhesive to adhere thereto more effectively only if the heated roller is kept at a temperature higher than the article temperature.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONYA MAZUMDAR whose telephone number is (571)272-6019. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SM

/Philip C Tucker/
Supervisory Patent Examiner, Art Unit 1791